

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:08CR281
Plaintiff,)	
)	
vs.)	ORDER
)	
ENRIQUE CABALLERO,)	
)	
Defendant.)	

This matter is before the court on the oral motion of defendant Enrique Caballero (Caballero) for an extension of the pretrial motion deadline. The motion was made during the arraignment on the Superseding Indictment on September 12, 2008. The government had no objection to the motion. Caballero acknowledged the additional time needed for his motion would be excluded under the calculations under the Speedy Trial Act. The oral motion was granted.

IT IS ORDERED:

1. Caballero's motion for an extension of time to file pretrial motions is granted. Caballero shall have **to on or before October 17, 2008**, in which to file pretrial motions in accordance with the progression order.

2. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., **from September 12, 2008 through October 17, 2008**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 12th day of September, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge